

**CIVIL SERVICE COMMISSION MINUTES  
DECEMBER 17, 2008**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

W. Dale Bailey  
A.Y. Casillas  
Barry I. Newman  
Francesca Krauel

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer  
Karen F. Landers, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved  
Civil Service Commission**

**January 14, 2009**

COUNTY OF SAN DIEGO  
CIVIL SERVICE COMMISSION MINUTES  
DECEMBER 17, 2008

2:00 p.m.      CLOSED SESSION: Discussion of Personnel Matters  
and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
11, 13	7, 12	8, 9, 10,	19

COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Casillas. Carried.

## CLOSED SESSION AGENDA

County Administration Center, Room 400B  
(Notice pursuant to Government Code Sec. 54954.2)  
Members of the public may be present at this  
location to hear the announcement of the  
closed session agenda.

A. Commissioner Bailey: CONSIDERATION OF PUBLIC EMPLOYEE DISCIPLINE (GOV. CODE SEC. 54957(b)) James Stevens, Esq., on behalf of **Richard Needham**, former Senior Departmental Personnel Officer, appealing an Order of Removal and Charges from the County Library.

## OPEN SESSION AGENDA

County Administration Center, Room 358

# MINUTES

1. Approval of the Minutes of the regular meeting of November 5, 2008.

## CONFIRMATION OF ASSIGNMENT

2. Commissioner Bailey: **Andrew Rappaport**, former Mental Health Case Management Clinician, appealing an Order of Removal and Charges from the Health and Human Services Agency.

Confirmed.

3. Commissioner Krauel: Bradley Fields, Esq., on behalf of **2008-11**, appealing an Order of Demotion and Charges from the Probation Department.

**Confirmed.**

4. Commissioner Newman: Kim Martinic, Worksite Organizer, SEIU Local 221, on behalf of **Michael Peabody**, former Road Maintenance Worker, appealing an Order of Removal and Charges from the Department of Public Works.

**Confirmed.**

5. Commissioner Casillas: Rory R. Wicks, Esq., on behalf of **Clay Clifton**, Environmental Health Specialist II, appealing an Order of Demotion and Charges (from Environmental Health Specialist III) from the Department of Environmental Health.

**Confirmed.**

6. Commissioner Bailey: Kim Martinic, Worksite Organizer, SEIU Local 221, on behalf of **Heidi Kay**, Office Assistant, appealing an Order of Suspension and Charges from the Department of Parks and Recreation.

**Confirmed.**

## **DISCIPLINE**

### **Findings**

7. Commissioner Bailey: James Stevens, Esq., on behalf of **Richard Needham**, former Senior Departmental Personnel Officer, appealing an Order of Removal and Charges from the County Library. (See Item No. 12 below.)

**Motion by Newman to continue this item to the January 14, 2009 Meeting, as well as Item No. 12, below.  
Seconded by Krauel. Carried.**

## **DISCRIMINATION**

### **Complaints**

8. **Alan Landers**, Senior Procurement Contracting Officer, alleging discrimination by the Department of Purchasing and Contracting.

RECOMMENDATION: Assign Commissioner Krauel as Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

**Staff recommendation approved.**

9. **Jerome Maull**, Residential Care Worker II, alleging discrimination by the Health and Human Services Agency.

RECOMMENDATION: Assign Commissioner Newman as Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

**Staff recommendation approved.**

10. **Aniceto Domingo**, Mail Carrier, alleging discrimination by the Department of General Services.

RECOMMENDATION: Assign Commissioner Casillas as Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

**Staff recommendation approved.**

#### **Findings**

11. Commissioner Krauel: **Lynda Coburn**, Office Assistant, alleging discrimination by the Health and Human Services Agency. (See Item No. 13 below.)

#### **FINDINGS AND RECOMMENDATIONS:**

At the regular meeting of the Civil Service Commission (Commission) on October 1, 2008, the Commission appointed Francesca Krauel to investigate the complaint submitted by Linda Coburn, which alleged retaliation discrimination by the Health and Human Services Agency (Agency). In accordance with the established rules and procedures of the Commission, the matter was concurrently referred to the Office of Internal Affairs (OIA) for investigation. Ms. Coburn's complaint also included a request, under Civil Service Rule XI, for an investigation into the conduct and operations of the Agency, which was held in abeyance pending the outcome of the discrimination investigation. The OIA concluded the investigation and has reported its findings to the Commission.

This Investigating Officer has taken into consideration all documentation submitted in this matter. The report of OIA has been received and reviewed by the Investigating Officer

who concurs with OIA's Report and has concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred. It is therefore recommended that Ms. Coburn's Rule VI discrimination complaint be denied; that the Commission determine that a Rule XI investigation is not warranted; and that the Commission approve and file the report with the appended OIA Summary Investigative Report with a finding of no probable cause to believe that the Complainant has been unlawfully discriminated against.

**Motion by Krauel to approve Findings and Recommendations; seconded by Newman. Carried.**

12. Commissioner Bailey: James Stevens, Esq., on behalf of **Richard Needham**, former Senior Departmental Personnel Officer, alleging discrimination by the County Library. (See Item No. 7 above.)

**Continued. See Item No. 7 above.**

## **INVESTIGATIONS**

### **Request**

13. **Lynda Coburn**, Office Assistant, requesting a Rule XI investigation regarding the conduct and operations of the Health and Human Services Agency. (See Item No. 11 above.)

RECOMMENDATION: Take action consistent with the outcome of Ms. Coburn's discrimination investigation.

**See Item No. 11 above.**

## **OTHER MATTERS**

### **Extension of Temporary Appointments**

14. Health and Human Services Agency

1 Residential Care Worker II (Anastacia Hare)

37 Human Services Specialists (Patricia Garcia, Georgia Briggs, Jennifer Ho, Irma Lozano, Raul Soriano, Celia Mondaca, Martha Ramirez, Sylvia Billiet, Jennifer Lucht, Angela Martinez, Marcelene Brown, Jana Farnsworth, Christina Gall, Yesenia Garcia, Megan Holcomb, Maira Pasillas, Margaret Green, Greta Ladabouche, Morris Lazard, Celia Ortega, Ruby Ramirez, Alassandra Salgado, Claudia Roth, Lorena Martinez, Jeffrey Rodriguez, Latoya Richardson, Karen Larson, Gabriel Lopez, Zayra Rios,

Veronica Raymundo, Andrea Clark, Dina Ali-Johns, Mayra Colon, Tracey Weston, Lorena Saenz, Andy Ballon, Zakaria Shoobley)

15. Sheriff's Department

1 Departmental Aide (Shelly Knoebel)

**Commissioner Newman requested that a representative from the Sheriff's Department explain this request for extension. Denise Reiber, Sheriff's Employee Relations Manager, spoke to the Commission.**

16. Alternate Public Defender

1 Deputy Alternate Public Defender I (Pablo Navarro)

**Commissioner Newman requested that a representative from the Alternate Public Defender's Office explain this request for extension. Habte Hagos, Deputy Chief Finance & Operations, spoke to the Commission.**

17. Agriculture, Weights & Measures

1 Insect Detection Specialist I (Anna Sanchez)

RECOMMENDATION: Ratify Item Nos. 14-17.

**Item Nos. 14-17 ratified.**

18. Public Input.

**INFORMATION**

19. **Matthew Rogers**, Protective Services Worker, withdrawal of complaint alleging discrimination by the Health and Human Services Agency. (Commissioner Krauel)

**Withdrawn.**

ADJOURNED: 3:22 p.m.

**NEXT MEETING OF THE CIVIL SERVICE COMMISSION: JANUARY 14, 2009**

**ASSISTANCE FOR THE DISABLED:**

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